

# **HOUSE . . . . . No. 2877**

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By Mr. Coughlin of Dedham, petition of Robert K. Coughlin relative to Department of Revenue hearings. Revenue.

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## **The Commonwealth of Massachusetts**

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In the Year Two Thousand and Seven.

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### **AN ACT RELATIVE TO DEPARTMENT OF REVENUE HEARINGS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 17 of chapter 119A of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 inserting after the words “administrative review” in line 9 the  
4 words:—“or administrative hearing as provided for in section 18.”

1     SECTION 2. Said Chapter 119A is hereby further amended by  
2 inserting after Section 17 the following new section:—

3     Section 18. Upon the written request of the obligor or obligee, the  
4 department shall conduct administrative hearings for the prompt res-  
5 olution of disputes concerning the enforcement of obligations, col-  
6 lection and disbursement of child support. According to section 17,  
7 an obligor or obligee may request such a hearing if he is aggrieved  
8 by an action of the department with regard to child support matters.  
9 The right to an administrative review, as provided for in Section 17,  
10 shall be waived if the department conducts a hearing in accordance  
11 with the provisions of this section. The department shall promulgate  
12 rules and regulations for conducting such hearing that are not incon-  
13 sistent with the procedures established in the section.

14    Any obligor or obligee, or the legal representative of such obligor  
15 or obligee, so aggrieved by an action of the department in enforcing,  
16 collecting or disbursing child support shall have a right to a hearing  
17 upon written notice to the department in the manner and form pre-  
18 scribed by the department; provided, however, such written notice  
19 requesting the hearing is received by the department within 120 days

20 of the obligor's or obligee's discovery of the action of the department.  
21 Such hearing shall be conducted by the commissioner of the department of revenue, or his designee. The commissioner or his  
22 designee is hereby empowered to subpoena witnesses, administer  
23 oaths, take testimony and secure the production of such books,  
24 papers, records and documents as may be relevant to such hearings.  
25 The commissioner shall notify each obligor and obligee of his or her  
26 right to such hearing.

27 A hearing held pursuant to this section shall be held at a location  
28 convenient to the person requesting the hearing and shall be con-  
29 ducted as an adjudicatory proceeding under Chapter thirty-A, except  
30 that any appeal from the decisions made at the hearing shall be to a  
31 court in the same manner as a provided for in Section 17 for  
32 appealing decisions made at an administrative review.

33 Reasonable notice must be given to all parties involved in the  
34 administrative hearing so to provide adequate time to prepare to  
35 offer evidence or testimony at the hearing.

36 The commissioner, or his designee, shall have the power to grant  
37 relief and shall issue his decision within ninety days after the date of  
38 the filing of the request for a hearing by the obligor or obligee, or  
39 their legal representative. The decision shall be binding on the  
40 department.

41 The department shall file an annual report with the joint com-  
42 mittee on the judiciary. Said report shall include, but not be limited  
43 to, the following:— the number of hearings requested; the number of  
44 hearings held; the types of cases appearing before the commissioner  
45 or his designee at each hearing; a summary of the resolution of dis-  
46 putes and decisions rendered as a result of the hearing; recomenda-  
47 tions by the commissioner in order to improve the hearing process.

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1 SECTION 3. This act shall take effect upon its passage.